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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,484	12/22/2003	Michael J. Williams	037607-0177	7775
34099	7590	07/22/2008		
FANN-MKE C/O FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			EXAMINER HAMMOND III, THOMAS M	
			ART UNIT	PAPER NUMBER
			3691	
			MAIL DATE	DELIVERY MODE
			07/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/743,484	Applicant(s) WILLIAMS ET AL.	
	Examiner THOMAS M. HAMMOND III	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/11/2005, 12/19/2007, and 02/25/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 12/22/2003.
2. Claims 22-25 have been newly added by preliminary amendment.
3. Claims 1-25 are currently pending and have been examined.

Information Disclosure Statement

4. The Information Disclosure Statements filed 05/11/2005, 12/19/2007, and 02/25/2008 have been considered. Initialed copies of the Form 1449 are enclosed herewith.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 8-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. With regard to claims 8-14, the Applicant recites a system for valuing a mortgage loan for sale, however, without limitations as to the physical components of the system. The Examiner asserts that the limitations of a “user interface” and a “pricing engine” are interpreted as computer software, per se. Under the current guidelines of 35 U.S.C. 101, computer code per se, it not eligible for patentability.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by *Gould et al.*, US Patent No. 5,966,700.

As per claim 1

Gould teaches:

- Retrieving information regarding the individual mortgage loan using the identifier, the information including the gross interest rate and a product type (see at least column 2, lines 21-40; column 4, lines 30-67)
- Retrieving a required yield associated with the product type (see at least column 4, lines 11-25; column 7, lines 37-49)
- Determining adjustments to the required yield based on at least one of (1) a credit risk associated with the borrower, (2) a loan-to-value ratio, and (3) loan purpose (see at least column 6, lines 53-67)
- Determining an interest rate portfolio yield based on at least the gross interest rate and the adjustments (see at least Figure 8B and associated text)
- Determining a yield difference based on at least the required yield and the interest rate portfolio yield (see at least Figure 8B and associated text)
- Retrieving a trade-off ratio (see at least column 7, lines 20-49)

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- Determining a price difference based at least one the yield difference and the trade-off ratio (see at least column 7, lines 11-49)
- Determining a price for sale of the individual mortgage loan to a secondary mortgage market purchaser based at least on the price difference (see at least column 7, lines 11-49)

As per claims 2-7

Could teaches the method of claim 1, as described above.

Could further teaches:

- Wherein the required yield is retrieved from a current yield/trade-off schedule (see at least Figure 8B and associated text)
- Wherein the information regarding the individual mortgage loan is stored in a storage device of the online mortgage loan system (see at least column 4, lines 60-67; column 5, lines 1-6)
- Wherein determining the interest rate portfolio yield includes calculating a difference between the gross interest rate and the adjustments (see at least Figure 8B and associated text)
- Wherein determining the yield difference includes calculating a difference between the required yield and the interest rate portfolio yield (see at least Figure 8B and associated text)
- Wherein the trade-off ratio reflects what is paid in price for one basis-point in yield (see at least Figure 8B and associated text)
- Wherein determining the price difference includes multiplying the yield difference and the trade-off ratio (see at least column 7, lines 11-49)

As per claims 8-21

Claims 8-21 are interpreted to encompass substantially the same scope as claims 1-7. Accordingly, claims 8-21 are rejected in substantially the same manner as claims 1-7.

As per claim 22

Could teaches the method of claim 1, as described above.

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Gould further teaches:

- Wherein the individual mortgage loan is selected from a plurality of approved mortgage loan products identified by an underwriting engine associated with the online mortgage loan system (see at least column 4, lines 11-24)

As per claim 23

Gould teaches the method of claim 22, as described above.

Gould further teaches:

- Wherein the underwriting engine generates underwriting recommendations based at least in part on pre-selected underwriting guidelines of a secondary mortgage market purchaser (see at least column 6, lines 10-67; column 7, lines 1-49)

As per claims 24-25

Claims 24-25 are interpreted to encompass substantially the same scope as claims 22-23. Accordingly, claims 24-25 are rejected in substantially the same manner as claims 22-23.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Hammond III whose telephone number is 571-270-1829. The examiner can normally be reached on Monday - Thursday, 7AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas M Hammond III

Patent Examiner, Art Unit 3691

US Patent & Trademark Office

05/13/2008

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691